

Mountrail County Correctional Center | 2020



North Dakota Department of Corrections and Rehabilitation
Division of Transitional Facilities
Office of Facility Inspections

Facility	Mountrail County Correctional Center
Facility Administrator	Laurie Johnson
Facility Website Address	http://www.co.mountrail.nd.us/pages/mountrail-county-correctional-center co.mountrail.nd.us/pages/Mountrail-
DOCR Inspector(s)	Lance Anderson, Robert Werlinger
Assigned Facility Grade	1
Maximum Rated Capacity	42
Current Inmate Count	6
Date of Inspection	March 04, 2020

The North Dakota Department of Corrections and Rehabilitation ("DOCR") inspected the Mountrail Correctional Center on March 3, 2020. The inspection was made in accordance with N.D.C.C. §§ 12-44.1-24, 12-44.1-25, with the North Dakota Correctional Facility Standards revised January 2020, and the statutory requirements in N.D.C.C. Ch. 12-44.1.

Lance Anderson, Deputy Director of Facility Inspections, and Robert Werlinger, Correctional Facility Inspector, conducted the inspection of the facility. The previous inspection of the facility was conducted on March 05, 2019.

This report is published at: <https://docr.nd.gov/about/correctional-facility-standards-inspections>

REPORT SUMMARY

A. Facility Description

The Mountrail County Correctional Center (MCCC) is a grade one (1) correctional facility located at 101 North Main St, Stanley, North Dakota. Mountrail County Correctional Center is operated under the authority of the Correctional Administrator, Laurie Johnson. Correctional Administrator Johnson is under the governing authority of the Mountrail County Commissioners. The Correctional Center is part of the Mountrail County Justice Center, encompassing a two-story building. The control room is centrally located within the facility, with a direct line of sight into the housing units. MCCC physical plant consists of a vehicle sally port, booking area, observation

cells, group holding cell, administrative offices, industrial kitchen, food storage area, dish tank area, laundry, attorney rooms, property storage, IVN room, janitor closets, and restrooms. In addition, the facility is equipped with a medical treatment area, chemical storage closets, library, and one (1) inside recreation areas with louvers, interview rooms, and dayrooms. There are administrative offices for the jail administrator, captains, shift supervisor, and administrative staff.

Services provided include ministry programs, AA, distribution of prescribed medicines, commissary, full-service kitchen, laundry, and a library. The computerized law library is on the kiosk in each unit. Offenders eat their meals within the dayrooms of their unit. Delivery of services is an effort to reduce the likelihood of confrontations between offenders, and the facility is designed to minimize offender movement. MCCC's operational design concept is to receive unclassified individuals, hold pretrial and convicted persons up to a year, and allow for processing, classifying, and releasing individuals at all times. Offenders are housed based upon their needs and their perspective level of classification.

The MCCC is a two-story facility that is separated into multiple units, with one (1) control center. Each unit has double-sided glass, which restricts visibility from inside the unit. Unit (A) is designated as a female unit, and units (B, C, D) are designated for the male inmates. Units A and D have four (4) cells each, two (2) of which are on the lower tier, and two (2) on the upper-tier, for a total of eight (8) bunks. Units A and D have sub-dayrooms to separate the population. Lower tier cells identified as cell one (1), and cell two (2) have cameras within the cells for observation for special management. Units B and C have three (3) lower-tier cells and three (3) upper-tier cells, each cell has a bunk bed for a total of twelve (12) bunks per unit. Lower tier cells identified as number two (2) within unit's B and C have cameras within the cells for observation for special management.

The housing units are all similarly situated with an upper and lower tier, an upper-tier mop room, and a lower-tier mop room. Stairs in the dayrooms access the upper tier cells. The lower tier comprises of the dayroom located in the front of the housing unit. The design of each shower unit includes a shower curtain for offenders to have adequate privacy for showering. Each cell has a washbasin, and a toilet in the immediate sleeping areas. Each cell is equipped with an intercom that allows offenders to communicate with staff. Units have basic furnishings to include: television, multi-purpose kiosks, visitation kiosk, phone, and dayrooms. All housing units have seating for the number of inmates that make use of each unit. All housing units have access to natural lighting and illumination. The dayrooms allow offenders to congregate, watch television, use the telephone system, and have access to the kiosk system for visitation or ordering of commissary.

The booking area has one (1) large temporary holding cell with dayroom, a group holding cell, and one (1) safety cell. These cells are used as observation cells or holding cells. A washbasin and a toilet are included in the temporary holding cell and the group-holding cell. The safety cell has a flushing floor toilet mounted in the floor. The controls are located outside on the east wall. The safety cell is used temporarily for inmates who are under the influence of alcohol or drugs, violent behavior, self-harm, or inability to exercise self-control. The safety cell is located near the officer's duty station. These cells were constructed to provide personal visual observation of the entire holding cell and safety cell. Visual observation can also be accomplished by electronic camera(s), which are continuously monitored in the officer's duty station. All group housing units and cells within the booking area have cameras, intercoms, and duress lights.

The average length of stay is nine (9) days. Five hundred twenty-two (522) males and one hundred thirty (130) female inmates were processed for the 2019 year. Mountrail County Correctional Center has an authorized staffing of four (4) administration positions, thirteen (13) correctional officers and maintains staffing levels of one (1) staff to fourteen (14) inmates. MCCC has nine (9) phones located throughout the facility for inmate use. The jail lobby is monitored

twenty-four (24) hours a day from the control center. MCCC has a vehicle sally port, which can provide entry for up to two (2) vehicles transporting inmates and emergency vehicles.

MCCC maintains verbal agreements to house inmates from different jurisdictions, including; Burke, Eddie, and Divide Counties. In addition, MCCC provides services for the cities of Stanley, New Town, and Powers Lakes. MCCC also maintains inter-governmental service contracts with the DOCR, DAS, and a Joint Power Agreement with Ward County. MCCC has one (1) walk-through metal detector located at the front entrance of the facility. A handheld wand is utilized for any person entering the front entrance or cell searches. The front entrance provides an entry and exit for the public.

B. Sanitation

The correctional facility inspectors found the level of sanitation and cleanliness to be outstanding throughout the facility. The physical plant was well maintained, with no notable physical plant issues. The correctional facility inspectors found that the offenders were provided with equipment and materials necessary to clean their assigned areas. The correctional facility inspectors found that waste and trashcans are emptied at least one (1) occurrence every day and as often as needed. For vermin or insects, MCCC uses the county resource for extermination. The correctional facility inspectors did not find any disagreeable odors in the facility, and the offenders had access to hot and cold running water. Noise levels and temperatures were within the normal levels throughout the facility.

C. Examination of Policies and Records

Documentation reviewed for this inspection includes facility policies, procedures, forms, educational materials, grievances, training curriculum, employee training records, inmate booking files, inmate property receipt, organizational chart, posters, PREA brochures, PREA audit, inmate handbook, operation manuals, litigation, notice of claims, and significant incidents. These materials were provided to demonstrate compliance with the North Dakota Correctional Facility Standards. The correctional facility inspectors did not examine budgetary records or official findings aside from what was provided. The correctional facility inspectors had complete access to the facility.

Summary of Inspection Findings

Based on the inspection, interviews, and review of documentation, the DOCR finds the Mountrail County Correctional Center in non-compliance with North Dakota Correctional Facility Standards. During the inspection of your facility and the interim report writing and corrective action period, the DOCR inspectors were provided policy changes and informed MCCC implemented recommendations made during the inspection.

STANDARDS COMPLIANCE CALCULATION	
Compliance with Standards	104
Non-Compliance with Standards	3
Non-Applicable Standards	1
Total	108

Standard 001	Variances	Compliant: Yes
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A correctional facility shall comply with the standards adopted by the Department of Corrections and Rehabilitation unless a variance has been granted by the North Dakota Department of

Corrections and Rehabilitation ("DOCR"). A request for a variance must be submitted in writing using the DOCR Variance Request Form. A variance may be granted in accordance with N.D.C.C. § 12-44.1-26.

Observations: The facility is in compliance with the standard. MCCC did not request any variances for 2019.

Standard 002	Applicable Laws	Compliant: Yes
<i>The facility administrator shall comply with all applicable state and federal laws, rules, and regulations, including all requirements of 28 Code of Federal Regulations Part 115 (PREA).</i>		

Observations: MCCC conducted a PREA audit in March 2018.

Standard 003	Grade/Classification/ Population	Compliant: Yes
<i>The Director of the DOCR shall notify the administrator of the approved correctional facility grade classification the approved number of classifications, and total number of people that may be confined in the correctional facility. The Director of the DOCR shall notify the administrator of the terms of any variances that have been granted.</i>		

Observations: MCCC complies with the standard.

Standard 004	Facility Policy Review	Compliant: Yes
<i>Each requirement for a policy or procedure in the North Dakota Correctional Facility Standards includes the requirement to demonstrate the facility's compliance with its policy. The facility administrator for each correctional facility shall review each policy and the facility's compliance with it at least annually. When necessary, the facility administrator shall update the facility's policies and procedures and make them available in electronic form to the DOCR Office of Facility Inspections upon request.</i>		

Observations: MCCC policies and procedures were reviewed within the last year and were revised as necessary.

Standard 005	Inmate Access to DOCR	Compliant: Yes
<i>Every facility must have a written policy and procedure to permit inmates to contact the DOCR Office of Facility Inspections. The DOCR Office of Facility Inspections contact information shall be made available to inmates.</i>		

Observations: MCCC has posted the contact information in the units and has contact information in the inmate handbook.

Standard 006	Self-Inspections	Compliant: Yes
<i>Inspections of correctional facilities must be made pursuant to North Dakota Century Code Chapter 12-44.1 and the North Dakota Correctional Facility Standards. Every facility administrator shall submit a self-completed jail inspection report to the DOCR Office of Facility Inspections at least 30 days prior to the scheduled onsite inspection.</i>		

Observations: MCCC conducted and forwarded a self-inspection to this office for review.

Standard 007	Classification	Compliant: Yes
<i>A correctional facility that contracts with another state or a regional correctional center, county or of another state including for those in transport, shall comply with N.D.C.C. Section 12-44.1-31</i>		

Observations: MCCC procedures demonstrate compliance.

Standard 008	Facility Plans	Compliant: Yes
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All construction plans or renovation plans with an estimated expenditure of more than one hundred thousand dollars must have approval from the office of the Director of the Department of Corrections and Rehabilitation before commencement of the project.

Observations: MCCC did not have any construction or major renovations for 2019.

Standard 009	Facility Plans	Compliant: Yes
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All plans for the construction or major renovation of correctional facilities must be in accordance with model correctional facility standards such as the standards published by the American Correctional Association, National Sheriff's Association and the National Institute of Corrections. Unless otherwise noted, the square footage and physical plant requirements apply to plans approved after January 1, 1992.

Observations: MCCC did not have any construction or major renovations for 2019.

Standard 010	Gender Separation	Compliant: Yes
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Facilities shall adopt a classification system for inmates to provide for the security, safety and order of the facility and for the safety and security of the community. If the facility has adopted a classification system approved by the Department of Corrections and Rehabilitation, the facility is not required to comply with subsections 3, 4, and 5 of N.D.C.C. Section 12-44.1-09. Facilities must have a policy and procedure that requires separate male and female housing and includes visual, physical and sound separation between male and female inmates. Adult correctional facilities may not detain juveniles except in exigent circumstances or as allowed by the Office of Juvenile Justice Delinquency Prevention Act. Each facility must have a policy and procedure for the classification and management of juveniles in the event a juvenile has been brought into the facility.

Observations: MCCC policy 6.01 and procedures demonstrate compliance.

Standard 011	Cell Measurements	Compliant: Yes
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A single cell must provide a minimum of 70 square feet if confinement exceeds ten hours in a 24-hour period. All single cells must provide a minimum of 35 square feet of unencumbered space. The illumination must be at least twenty foot-candles at desk level.

Observations: MCCC meets requirements of the standard.

Standard 012	Cells for Special Needs	Compliant: Yes
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Every facility must have a policy, procedure and practice to provide single-occupancy cells for: inmates who may present a serious threat to the safety or security of the correctional facility, the staff, the inmate, or other inmates; inmates with severe medical disabilities; sexual predators; inmates likely to be exploited or victimized; or inmates with other special needs.

Observations: MCCC policy 6.01 and procedures demonstrate compliance.

Standard 013	Multiple Occupancy Room	Compliant: Yes
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A facility may use a multiple occupancy room for medium or minimum custody inmates. Correctional staff shall classify and screen inmates before housing in multiple occupancy rooms.

Observations: MCCC demonstrates compliance with the standard. MCCC has four (4) separate units to house maximum, medium or minimum custody male inmates and female inmates.

Standard 014	Multiple Occupancy Room	Compliant: Yes
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A multiple occupancy room must contain a minimum of 25 square feet of unencumbered space per inmate. When confinement exceeds ten hours per day, at least 35 square feet of unencumbered space must be provided for each occupant.

Observations: MCCC is a new facility that was constructed to meet the minimum square footage requirement.

Standard 015	Dayroom and Recreation	Compliant: Yes
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Grade one facilities must provide dayrooms that are separate from indoor recreation areas.

Observations: MCCC is a new facility that was constructed to meet this standard. MCCC is a grade one (1) facility with four (4) dayrooms, one (1) indoor recreation area.

Standard 016	Secure Booking Area	Compliant: Yes
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Every facility must have a booking area that is separate and secure from the public and inmate housing areas.

Observations: MCCC facility meets requirements of the standard.

Standard 017	Control Room Separation	Compliant: Yes
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Every newly constructed facility must provide a control room area that is physically separated and staffed separately from a law enforcement dispatch center.

Observations: MCCC facility meets requirements of the standard.

Standard 018	Toilet, Wash Basin, Urinals	Compliant: Yes
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Inmates, including inmates housed in medical units and infirmaries, must have access to toilets and wash basins with temperature controlled running water 24 hours a day. Inmates must be able to use toilet and wash basin facilities without staff assistance while confined to their cell or sleeping area.

Multiple occupancy rooms must include toilets at a minimum ratio of one toilet per eight inmates for females and one toilet per twelve inmates for male inmates. Urinals may substitute for up to half the toilets in male living areas. All living areas with three or more inmates must have a minimum of two toilets. Washbasins must be provided at a ratio of at least one washbasin for every twelve inmates. A facility may have a cell, or cells, without an above-floor toilet or washbasin when it is necessary for the temporary housing of an inmate who is under close observation because of destructive or self-destructive behavior.

Observations: MCCC facility meets requirements of the standard.

Standard 019	Shower Temp and Ration	Compliant: Yes
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Grade one, two, and three facilities must provide showers that are available to all inmates. Facility showers must maintain the water temperature between 100 to 120 degrees. The facility shall provide showers at a ratio of not less than one shower per twelve inmates.

Observations: Two (2) showers were tested, and the water temperature measured at 106 degrees.

Standard 020	Recreation Areas	Compliant: Yes
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The minimum space requirements for exercise areas: (Post 1992 construction) Outdoor exercise area: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1,500 square feet of unencumbered space; Covered/enclosed exercise areas in facilities of 100 or more inmates: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1000 square feet of unencumbered space; Covered/enclosed exercise areas in facilities of less than 100 inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

Observations: MCCC is a grade one (1) facility. MCCC was constructed to meet the minimum square footage requirements. MCCC has one (1) indoor recreation area.

Standard 021	Intake Requirements	Compliant: Yes
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Only staff that have completed North Dakota Correctional Officer Basic certification and Correctional Medical Training I and II, or have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff may perform intake screenings on inmates at intake admission. Staff shall record their findings in the medical screening portion of the intake form approved by the facility health care administrator. The medical screening portion of the intake form may be completed by a licensed medical professional. Every facility must have a written policy and procedure that includes a written record of:

A. Thru N. (See Standards)

Observations: MCCC procedures demonstrate compliance with the standard.

Standard 022	Special Needs Persons	Compliant: Yes
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Every facility housing an inmate with signs or symptoms of mental illness or emotional disturbance or who is detained pursuant to a court-ordered emergency commitment under N.D.C.C. chapter 25-03.1 shall have written policies and procedures for the placement of an inmate under close staff supervision, up to and including direct personal observation. Staff shall document the time, condition, and actions of the inmate in the designated log. As required by N.D.C.C. § 25-03.1-25(3)(b), the correctional facility may not detain an individual taken into detention solely for emergency involuntary commitment (a) if another secure facility is accessible and (b) for more than twenty-four (24) hours.

Observations: MCCC policies 6.24, 6.25, and procedures demonstrate compliance.

Standard 023	Intake File Requirements	Compliant: Yes
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Staff shall establish individual files at intake. The following minimum identification data and information must be recorded for each inmate in the facility:

A. Thru AA. (See Standards)

Observations: MCCC procedures meet requirements of the standard.

Standard 024	Facility Clothing	Compliant: Yes
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A facility may require an inmate to wear facility clothing. If inmates are required to wear facility clothing, the facility shall issue a clean set of appropriately sized jail clothing, including pants and shirt or coveralls, footwear and undergarments. Inmates may be permitted to wear their own clothing.

Observations: MCCC procedures meet requirements of the standard.

Standard 025	Inventory	Compliant: Yes
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Staff shall inventory and itemize all personal property, including money, taken from an inmate at intake. A record of the property must be signed by the inmate, placed in inmate's file and the property made available to the inmate upon release, unless the property is evidence of a crime. The property room must be secure and access to the property room controlled.

Each facility shall have a written policy and procedure for inmate financial accounts for each inmate in accordance with N.D.C.C. Section 12-44.1-12.1. The policy must include procedures for the withdrawal of funds from the inmate's account for payment of the inmate's legitimate financial obligations, which include child support, restitution, and the inmate's medical, dental, and eye care costs, and for payment of the inmate's funds to the inmate if the inmate is transferred to another facility or when the inmate is discharged from the facility.

Observations: MCCC meets the requirements of the standard. The property room was secured, and access was controlled at the time of the inspection.

Standard 026	Intake Telephone Calls	Compliant: Yes
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Every facility must have a written policy and procedure that allows a newly admitted inmate the opportunity to attempt at least one telephone call. These calls may be completed on a facility telephone or facility-approved electronic device as soon as admission process has been completed or within a reasonable time determined by the administrator. The facility shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.

Observations: The facility does allow one (1) phone call at the time of booking. The correctional facility inspectors found inconsistent documentation of phone calls and, no documentation to indicate when an inmate refused a phone call. During the interim report, writing, and corrective action period, the correctional facility inspectors were provided procedural changes and informed MCCC implemented necessary changes resulting in the facility complying with the standard.

Standard 027	Orientation	Compliant: Yes
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Upon admission or as soon as practical, staff shall provide inmates orientation information in a language the inmate understands, including:

- a) Visitation;*
- b) Mail;*
- c) Contraband;*
- d) Inmate rights and responsibilities;*
- e) Prohibited acts and penalties that may be imposed;*
- f) Grievance procedures;*
- g) Health care procedures and how to access health care;*
- h) Inmate hygiene and cell sanitation responsibilities; and*
- i) PREA information.*

Staff shall document completion of the orientation and shall obtain the inmate's signature and date. If the inmate refuses, or is unable to acknowledge, the completion of orientation, correctional facility staff shall document the inmate's refusal or inability to acknowledge completion of orientation.

Observations: MCCC meets requirements of the standard. Correctional facility inspectors verified that orientation is conducted during admission.

Standard 028	Incident Reporting	Compliant: Yes
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Every facility must have a policy and procedure to report significant incidents occurring within the jurisdiction of the facility. Significant incidents must be reported within one hour to the DOCR Office of Facility Inspections. Every facility shall submit the Significant Incident Reporting form provided by the DOCR to the DOCR Office of Facility Inspections within 24 hours of the initial notice. Significant incidents include:

- a) Severe assaults of any individual;*
- b) Escapes and attempted escapes;*
- c) Riots, strikes, demonstrations, and disturbances;*
- d) Refusal of medical care the health authority determined is necessary;*
- e) Death;*
- f) Attempted self-harm, self-harm, or suicide;*
- g) Any incident involving staff injury caused by inmate conduct and which requires outside medical attention;*
- h) Disruption of essential services;*
- i) Significant damage or destruction of facility property;*
- j) Substantiated PREA allegations;*
- k) Whenever a juvenile is brought into the secure area of the facility; and*
- l) Use of Force resulting in bodily injury.*

Observations: The correctional facility inspectors found that the facility's policy did not address element (B) of the standard. During the interim report, writing, and corrective action period, correctional facility inspectors were provided with policy and procedural changes and were informed that MCCC implemented necessary changes. MCCC revised policy 6.35 and procedures demonstrate compliance.

Standard 029	Investigations	Compliant: Yes
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The facility administrator shall request an independent investigation from the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol following: In-custody death of an inmate; escape or attempted escape of an inmate; and criminal activity committed by facility employees that results in employee or inmate bodily injury.

The facility administrator or the DOCR Office of Facility Inspections may request an independent investigation from the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol following criminal activity committed by facility employees that does not result in bodily injury.

After an incident, the facility shall ensure that all evidence is collected and stored in accordance with evidence collection and chain of custody procedures and that the scene of an in-custody death or crime is preserved for law enforcement investigation.

Observations: MCCC procedures meet requirements of the standard.

Standard 030	Staff Requirements	Compliant: Yes
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A facility may not detain an inmate without a trained person on duty capable of responding to the reasonable needs of the inmate. When females are housed in the facility, at least one female correctional officer must be on duty at all times in the facility. An inmate may not be placed in a supervisory capacity over other inmates.

Observations: MCCC procedures meet the requirements of the standard.

Standard 031	Suicide Prevention Plans	Compliant: Yes
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Every facility must have a written suicide prevention plan that includes: Identification of the warning signs and symptoms of suicidal behavior and mental illness; Proper response to suicide behavior or attempts; Referral procedures; Housing observation and suicide watch level procedures; and Follow up monitoring.

Observations: The correctional facility inspectors found the facility did not address all elements of the standard in the facility suicide prevention plan. During the interim report, writing, and corrective action period, the correctional facility inspectors were provided with a revised suicide prevention plan, and procedural changes. Inspectors were informed MCCC implemented the revised changes. MCCC revised suicide prevention plan and procedures demonstrate compliance.

Standard 032	Inmate Observation	Compliant: No
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Every facility must have a written policy and procedure for inmate observation. Trained staff shall personally observe each inmate during each hourly period on an irregular basis. Trained staff shall personally observe inmates who exhibit suicidal tendencies, self-destructive behavior, emotional distress, or have specialized medical problems at more frequent intervals as the inmate's condition requires. Documentation of inmates in observation must include:

- a) Reason for placement;*
- b) Staff assigned to supervise;*
- c) Location, date, time, activities, and condition of inmate at each check;*
- d) Actions by agency to provide specialized outside services for inmate; and*
- e) Reason for removal from observation.*

Observations: Given the significance of the standard and inspection findings, inspectors will monitor the MCCC revised practices to ensure the provided corrective action plan supports standard compliance. Correctional facility inspectors have determined MCCC currently does not demonstrate compliance.

Standard 033	Record Requirements	Compliant: Yes
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Every facility shall maintain a daily written record, including the date and time and the name of staff that completed the record, including:

- a) Personnel on duty;*
- b) Inmate population count, include inmates on temporary leave, which must be conducted at least three times in a 24-hour period;*
- c) Admissions and releases of inmates, including inmates transporting out of the facility along with reason of transport;*
- d) Shift activities; and*
- e) Entry and exit of physicians, attorneys, and other visitors.*

Observations: Facility log shows daily, and significant events are documented in the Zuercher Jail Management System.

Standard 034	Inmate Count	Compliant: Yes
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Every facility must have written policy and procedures for documented formal counts of inmates held in the facility including:

- a) Inmates out on temporary leave from the facility;*
- b) There must be a minimum of three formal counts within each 24-hour period; and*
- c) At least one of the three minimum formal counts must be completed outside a shift change, and one formal count must be a standing count.*

Observation: MCCC policy 3.03 is consistent with the facility's current practices. MCCC documents facility count into the Zuercher Jail Management System.

Standard 035	Search Ground/Vehicles	Compliant: Yes
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Each facility must have a written policy and procedure governing searches of the facility and grounds, vehicles used to transport inmates, and inmate living areas.

Observations: MCCC policy 3.04, 6.19, and procedures demonstrate compliance.

Standard 036	Search Clothed/Unclothed	Compliant: Yes
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Every facility must have a written policy and procedure for clothed and unclothed searches of inmates. The policy and procedure must include the following:

- a) *Licensed medical personnel may conduct manual, visual, or instrument searches of body cavities based upon reasonable suspicion and within the scope of their licensure.*
- b) *Licensed medical personnel may conduct cross-gender unclothed body searches which must be documented.*
- c) *Unclothed cross-gender body searches may not be conducted on male or female inmates absent exigent circumstances. Facility staff shall document all cross gender unclothed searches of male or female inmates, including the exigent circumstances for the search.*
- d) *Correctional staff may only conduct unclothed body searches of an inmate who will not be placed in the general population, including visual inspections of sexually intimate parts of the body, when the individual is in the facility for a crime of violence, a crime involving illegal drugs, or the unclothed body search is based on reasonable suspicion the inmate may be concealing drugs, weapons, or other contraband.*
- e) *Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who will be placed in general population.*
- f) *Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who have had contact visitation or who have returned to the facility after work release, work details, court appearances, or for medical care.*
- g) *Unclothed body searches must be conducted where they cannot be observed by any other individuals not involved in the search. Visual inspections must be nonintrusive and not involve touching the inmate.*
- h) *Cross-gender clothed or unclothed searches may not be conducted on female inmates absent exigent circumstances. Facility staff shall document all cross gender searches of female inmates, including the exigent circumstances for the search.*
- i) *PREA requirements, including:*
 1. *Staff may not search or physically examine a transgender or intersex inmate for the sole purpose of determining the resident's genital status.*
 2. *If the inmate's genital status is unknown, it may be determined through conversation with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.*
 3. *If it is determined either through assessment or through admission by the inmate that they are transgender or intersex, the person responsible for the screening or the search shall ask the inmate if they prefer to be searched by a male or female officer and document the response.*
 4. *If the inmate does not have a preference or if a search must be completed due to security concerns, available staff may conduct the search and document the reason the person was searched by someone, not of the resident's preferred gender.*

Observations: The correctional facility inspectors found MCCC did not address all the elements of the standard regarding searches of inmates clothed/unclothed. During the interim report, writing, and corrective action period, the correctional facility inspectors were provided with policy and procedural changes. MCCC revised policy 3.04 and procedures demonstrate compliance.

Standard 037	Use of Force	Compliant: No
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Every facility must have a written policy and procedure governing use of force. The written policy and procedure must restrict the use of force to the safety and security of staff, inmates, and the public, protection of property, prevention of escapes, prevention of crime, when necessary to enforce facility rules and restore order, and only in accordance with legal authority. Staff shall document any use of force and submit a written report to the administrator by the end of the employee's shift. The facility shall make a reasonable attempt to video record all use of force situations. The facility shall report the use of force that results in injury in accordance with Standard 28.

Observations: Correctional facility inspectors found facility policy on the use of force complied with standard, however MCCC procedures did not comply with its policy or correctional facility standard concerning use of force. In addition, MCCC's after-action review failed to adequately address issues regarding use of force. Given the significance of the standard and inspection findings, inspectors will monitor the MCCC revised practices to ensure the provided corrective action plan supports standard compliance. Correctional facility inspectors have determined MCCC currently does not demonstrate compliance.

Standard 038	Inventory of Equipment	Compliant: Yes
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Every facility must have a written policy, procedure, and practice for a current inventory, security, control and use of keys, tools, culinary and medical supplies and equipment. The policy must include daily accountability measures for outside equipment and tools coming into the facility.

Observations: The correctional facility inspectors found that the facility does not address the inventory element of the standard. During the interim report, writing, and corrective action period, the correctional facility inspectors were provided procedural changes and informed MCCC implemented necessary revised procedural changes. MCCC revised policy 4.02 and procedures demonstrate compliance.

Standard 039	Post Orders	Compliant: Yes
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Every facility shall have written post orders for every correctional officer post. Written post orders must specify the duties of each post and the procedures that must be followed to carry out the assignment. All post orders shall be reviewed annually and updated or amended as needed.

Observations: The post orders outline the duties, responsibilities, and expectations of correctional staff, which enable staff to carry out assignments.

Standard 040	Post Order Staff Review	Compliant: Yes
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All staff shall read, sign and date the post orders annually, or before beginning to work a post that the staff has not been assigned in the previous 120 days, or when the post orders are updated or amended.

Observations: Inspectors verified that all correctional staff have read and signed post orders.

Standard 041	Supervisory Staff Patrols	Compliant: Yes
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Every facility shall have a written policy, procedure and practice requiring that supervisory staff

shall conduct a daily patrol, including weekends and holidays, of all areas occupied by inmates and record their visits and patrols in a daily log. The sheriff or the facility administrator shall visit the facility living and activity areas at least weekly to observe living and working conditions. When the sheriff or facility administrator is not available, a supervisory official shall complete these duties. These visits and patrols must be logged.

Observations: MCCC policy 6.09 and procedures demonstrate compliance.

Standard 042	Maximum Capacity	Compliant: Yes
<i>A facility may not operate above the capacity established by the DOCR. Every facility must have a written policy and procedure governing temporary space arrangements in case of arrests that exceed the maximum capacity of the facility.</i>		

Observations: MCCC policy 6.27 and procedures demonstrate compliance.

Standard 043	Use of Restraints	Compliant: Yes
<i>Every facility must have a written policy and procedure for the use of restraint devices, including use of restraints with pregnant females. The use of restraints on a female who is in active labor and delivery is prohibited. Restraint devices may only be used as a precaution against escape, during transports, for medical reasons by direction of the medical personnel, and as a prevention against inmate self-injury, injury to others, or property damage. Restraint devices may not be applied as punishment. All decisions and actions on the use of restraints must be documented.</i>		

Observations: MCCC policies 6.19, 6.22, and procedures demonstrate compliance.

Standard 044	Transportation of Inmates	Compliant: Yes
<i>Every facility must have a written policy and procedure governing the transportation of inmates outside the facility. The policy must include the use of equipment during transport, the qualifications for transport officers, the use of firearms under N.D.C.C. § 12-44.1-30, the use of restraints, inmate transport clothes, and the use of escort vehicles.</i>		
<i>Policy shall include procedures for the following:</i>		
<ul style="list-style-type: none"> a) <i>Transportation of pregnant inmates. To allow the inmate to protect herself and the fetus, facilities shall refrain from the use of restraints on pregnant inmates. Exceptions may only be permitted by written approval from the facility administrator.</i> b) <i>The use of firearms for inmate transports. Procedures which allow staff to carry a weapon must include:</i> <ul style="list-style-type: none"> 1. <i>A requirement for intermediate weapons to be carried any time a firearm is possessed.</i> 2. <i>Firearms, weapons, and ammunition must be separated from inmates by the use of a caged vehicle or a chase vehicle accompanying the transport.</i> 3. <i>As required by N.D.C.C. § 12-44.1-30, the policy must be approved by the DOCR if the facility allows any correctional officer to carry a weapon.</i> 		

Observations: MCCC policy 6.19 and procedures demonstrate compliance.

Standard 045	Transfer of Inmate Files	Compliant: Yes
<i>Every facility must have a written policy and procedure governing the transfer of a discharge summary of the inmate's medical, dental, mental health and forensic records when the inmate is transferred to another correctional facility. A correctional facility may transfer complete medical, dental, mental health and forensic records to a correctional facility receiving an inmate upon the request of the facility. Prescription medications shall be transferred with the inmate.</i>		

Observations: MCCC policy 5.01 and procedures demonstrate compliance.

Standard 046	Notifications	Compliant: Yes
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Every facility must have a written policy and procedure governing the notification of victims and witness in accordance with North Dakota law. At minimum, the policy and procedure must include a process for ensuring the collection, storage, and accuracy of offender and victim and witness information; the confidentiality of victim and witness information; a timely notification method; a way to document notification; and a process to follow up with notifications, if needed, and in compliance with the statewide automated victim information and notification (SAVIN) system.

Observations: MCCC policy 2.06 and procedures demonstrate compliance.

Standard 047	Inmate Work	Compliant: Yes
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A facility may require sentenced inmates to perform work. The correctional facility may not require a pre-trial detainee to perform work except routine general housekeeping duties. A facility may allow a pre-trial detainee to perform work only upon the request or consent of the pre-trial detainee. A facility shall provide safety training to inmates prior to work assignment. A facility shall maintain documentation of the training. A facility health care provider shall screen the inmate prior to assignment to work.

Observations: MCCC meets the requirements of the standard.

Standard 048	Health Care Administrator	Compliant: Yes
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A facility administrator shall designate a health agency, licensed physician, nurse practitioner, or a physician's assistant, to be the health care authority. The health care authority shall be responsible for health care administration and development of health care policies and procedures. The facility administrator shall maintain a copy of the credentials of persons providing health care in the facility.

Medical and Mental health decisions are the sole province of the responsible medical or mental health clinician and may only be countermanded by non-clinicians with the approval of the responsible medical or mental health clinician.

Observations: MCCC meets the requirements of the standard.

Standard 049	Access to Medical Care	Compliant: Yes
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Every facility must have a written policy and procedure for receiving and documenting inmate health issues on a daily basis, including that inmates have access to medical care including physical, mental health, eye care and dental care. This procedure must provide that the medical administrator receives all sick call requests. Sick call for Grade one and grade two facilities must be provided by a licensed medical professional at least once per week.

Adequate staff, space, equipment, supplies, and materials must be provided if health care is delivered in the correctional facility. The cost of medical care may be subject to payment by or reimbursement from the inmate. Inmates may not be denied access to medical care because of their inability to pay costs.

Observations: MCCC policy 5.01 and procedures demonstrate compliance.

Standard 050	First Aid and CPR	Compliant: Yes
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At least one employee and as many additional employees as needed to comply with Standard 57

must be on duty within the facility who have current certification in basic first aid training, basic cardiopulmonary resuscitation training (CPR), and Naloxone administration.

Observations: Inspectors reviewed four (4) training records, which indicate staff have received certification training in CPR and First Aid.

Standard 051	Access to Professionals	Compliant: Yes
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A licensed physician, nurse practitioner, physicians' assistant, or registered nurse must be available on-call on a 24-hour basis. Procedures to notify a licensed physician, nurse practitioner, physician's assistant, or registered nurse on duty at a hospital are sufficient. Correctional facilities in communities without a licensed physician, nurse practitioner, physician's assistant, or registered nurse must have arrangements to provide health care to an inmate on the same basis as any resident of the community. The inmate must be transported to an appropriate health care facility or a licensed physician, nurse practitioner, physician's assistant, or registered nurse must be brought to the correctional facility.

Observations: MCCC meets the requirements of the standard.

Standard 052	Health Care Administrator	Compliant: Yes
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Every facility must have a training program approved by the health care administrator that includes:

- a) Response to emergency health related situations;*
- b) Recognition of signs and symptoms and knowledge of action required in potential emergencies;*
- c) Administration of first aid and cardiopulmonary resuscitation;*
- d) Methods of obtaining assistance;*
- e) Recognition of signs and symptoms of mental illness, intellectual disability, emotional disturbance, and chemical dependency;*
- f) Procedures for patient transfers to appropriate medical facilities or health care providers; and*
- g) If medications are delivered to inmates by staff within the facility, staff must be trained in and currently certified in accordance with N.D.C.C. § 12-44.1-29.*

Observations: MCCC Medical Training Program meets the requirements of the standard.

Standard 053	Treatment of Injuries	Compliant: Yes
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Every facility must have a written policy and procedure to provide medical care for anyone injured within the facility.

Observations: MCCC policy 5.01 and procedures demonstrate compliance.

Standard 054	Medical Supplies	Compliant: Yes
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Every facility shall maintain a first aid kit, emergency medical supplies equipment, and automatic external defibrillator (AED). The health care administrator shall determine the contents, locations, and procedures for inspection of the kits, including a schedule and checklist to be used when inventorying the contents.

Observations: MCCC meets the requirements of the standard.

Standard 055	Separation of Inmate Files	Compliant: Yes
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Every facility shall maintain the confidentiality of an inmate's medical, psychological, and treatment records. The medical records file must be separate from the correctional facility confinement

records.

- a) *The inmate's medical, psychological, and treatment records may only be disclosed in accordance with NDCC 12-44.1-28, which requires that a court may order the inspection of the records, or parts of the records, upon an application to the court and a showing there is a proper and legitimate purpose for the inspection and the provision of written authorization from the inmate for the inspection.*
- b) *Except for drug and alcohol treatment records, this requirement does not apply to criminal justice agencies, the Department of Corrections and Rehabilitation, other federal, state, or local correctional facilities receiving custody of the inmate, a municipal or state district court, the Department of Human Services, public hospitals or treatment facilities, or licensed private hospitals or treatment facilities.*
- c) *Records of an inmate's identity, charges, criminal convictions, bail information, and intake date and projected release dates are open records.*
- d) *Records of a sentenced inmate's institutional discipline and conduct and protective management are exempt records under North Dakota Century Code Section 44-04-17.1.*
- e) *Institutional discipline and conduct and protective management records of all other inmates are confidential records and may only be disclosed in the same manner as an inmate's medical, psychological, and treatment records.*

Observations: Medical files are maintained in the MCCC medical department.

Standard 056	Inmate Health Appraisals	Compliant: Yes
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A licensed physician, nurse practitioner, physician's assistant, registered nurse, or other qualified person the health care administrator may authorize, shall perform a health appraisal for each inmate detained in a grade one or grade two facility within fourteen days of the inmate's admission. The health care administrator shall determine the nature and extent of the health appraisal. The health care administrator may require a health appraisal at an earlier date if the health care administrator determines it is necessary.

The health appraisal must include:

- a) *Tuberculosis testing and documented results, if required by guidance provided by the North Dakota Department of Health;*
- b) *Review of admission medical and mental health screening;*
- c) *Collection of additional data to complete the medical, eye care, dental, mental health, and immunization histories;*
- d) *Recording of height, weight, pulse, blood pressure and temperature;*
- e) *Laboratory or diagnostic tests and examinations the health care administrator may deem necessary;*
- f) *Review of medical examination results;*
- g) *Every inmate who is convicted of a crime and further imprisoned for fifteen days or more in a grade one or grade two jail or regional correctional center must be tested for the presence of antibodies to or antigens of the human immunodeficiency virus (HIV) in accordance with N.D.C.C. Section 23-07-07.5 within thirty (30) days or prior to release, whichever occurs first. The results of any positive test or reactive result must be reported to the North Dakota Department of Health and the inmate tested in accordance with Section 23-07-02.1; and*
- h) *Inmates shall be medically screened by the facility health care provider prior to assigning inmates to a work detail.*

Every facility shall document an inmate's refusal to participate in the health appraisal in whole or in part, and the documentation placed in the inmate's medical records. If the health care administrator determines that the inmate's refusal presents a risk to the health or safety of other

inmates or staff, the inmate may be separated from the inmate population until such time as the health care administrator determines that the risk no longer exists.

Observations: MCCC procedures demonstrate compliance.

Standard 057	Health Care Orders	Compliant: Yes
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Every facility, in conjunction with the health authority, shall establish a written policy and procedures to carry out the orders of the health authority relating to an inmate's medical care. Staff shall document all treatment administered to inmates pursuant to orders of the health care administrator. Staff must be trained and able to respond to inmate medical emergencies within a four-minute response time.

Observations: MCCC health care orders demonstrate compliance.

Standard 058	Inmate Death Notification	Compliant: Yes
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Every facility shall establish a written policy and procedures to make arrangements for notification of the next of kin or legal guardian of an inmate in case of death. The facility shall notify the county coroner and the state's forensic examiner in the event of an inmate death and comply with Standard 28.

Observations: MCCC policy 6.36 and procedures demonstrate compliance.

Standard 059	Intoxication Management and Social Detoxification	Compliant: No
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Every facility must have a written policy and procedure for intoxication management that includes a definition of intoxication if the facility holds persons who appear intoxicated or under the influence of alcohol or controlled substances. A facility may not hold a person for more than 24 hours solely for intoxication management. Before a facility may hold a person for intoxication:

- a) A licensed medical provider must provide a medical discharge from care signed by a physician;*
- b) The facility must be able to provide a trained staff person within constant hearing distance of the intoxicated person; and*
- c) The facility shall comply with N.D.C.C. § 5-01-05.1.*

A facility may only provide social detoxification if the facility meets all requirements of N.D. Admin. Code Chapter 75-09-08.1.

Observations: The correctional facility inspectors found that MCCC procedures do not comply with the policy. Correctional facility inspectors reviewed documentation regarding intoxicated offenders and cannot state with confidence that a reasonable level of care was taken to provide for their safety. MCCC accepted offenders who did not have medical clearance. There was no medical clearance on file. The evidence showed that well-being checks were not conducted every fifteen (15) minutes per MCCC policy. Correctional facility inspectors have determined MCCC does not demonstrate compliance.

Standard 060	Emergency Equipment	Compliant: Yes
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Every facility must have written policy and procedures that address the maintenance, operation, and testing of emergency equipment. The facility must have access to equipment necessary to maintain essential lights, power, and communications in an emergency. A monthly inspection or testing of equipment must be completed. Generators must be tested monthly or as recommended by the manufacturer.

Observations: MCCC failed to provide adequate documentation that address's the monthly or

recommended manufacturer testing requirements. During the interim report writing and corrective action period, MCCC provided the correctional facility inspectors with procedures that will provide documentation when the generators are tested. MCCC revised policy 5.01 and procedures demonstrate compliance.

Standard 061	Fire Prevention	Compliant: Yes
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Every facility must have a written policy and procedure specific to the facility for fire prevention to ensure the safety of inmates, staff, and visitors, including:

- a) Provision for an adequate fire protection service.*
- b) A system of fire inspection and testing of equipment including locks, keys and doors at least annually, by the authority having jurisdiction.*
- c) Availability of fire hoses or extinguishers at appropriate locations throughout the facility.*
- d) At least two documented fire drills in all facility locations annually. At least one of these drills must include the evacuation of each living area of the facility.*
- e) Fire drills should include the evacuation of all inmates unless there is a reasonable belief institutional security may be jeopardized. In that event, actual evacuation of specific inmate(s) is not required. The drills and findings shall be recorded in the facility master log.*

Observations: MCCC policy 6.33 and procedures demonstrate compliance.

Standard 062	Evacuation Plans	Compliant: Yes
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Every facility must have a written evacuation plan prepared in case of fire or major emergency and the plan must include:

- a) Procedures to account for all inmates, visitors, and staff;*
 - 1. Location of building and room plans;*
 - 2. Evacuation routes, including exit signs for traffic flow;*
 - 3. Locations of fire extinguishers;*
 - 4. Location of first aid kits and AED's;*
 - 5. Location of fire pull stations; and*
 - 6. Plans for the immediate release of inmates from locked areas and provide for a backup system if power operated locks fail.*
- a) The facility shall review the plan with the authority having jurisdiction annually and update the plan when necessary.*
- b) Every facility shall complete an annual fire inspection by an independent, qualified source and provide documentation of all completed corrective actions.*

Observations: MCCC policy 6.32, and policy 6.33 are the written evacuation plans that demonstrate compliance.

Standard 063	Emergency Plans	Compliant: Yes
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Every facility must have written plans for a response to:

An escape or attempted

- a) escape;*
- b) Riots, hunger strikes, hostages, and disturbances;*
- c) Disruption of essential services; and*
- d) Storms or other acts of nature that may affect facility operations, safety, and security.*

All facility personnel must be trained in the implementation of written emergency plans. Every facility shall review these plans annually and update when necessary.

Observations: The correctional facility inspectors found that the facility does not address element (A) of this standard. During the interim report writing and corrective action period, MCCC provided

the correctional facility inspectors with policy 6.37 and procedures, which bring element (A) into compliance. MCCC policies 6.37, 6.28, 6.38, 5.02, 6.34 and procedures demonstrate compliance.

Standard 064	Hazardous Materials	Compliant: Yes
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Every facility must have a written policy, procedure, and practice governing the storage and use of hazardous, toxic, and caustic materials. These policies and procedures must be in accordance with all applicable laws and regulations. A right-to-know manual of Safety Data Sheets must be available for review.

Observations: MCCC policy 6.13 and procedures demonstrate compliance.

Standard 065	Boiler Inspection	Compliant: Yes
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Every facility utilizing a boiler shall comply with North Dakota Boiler Inspection requirements.

Observations: A certificate of boiler inspection is on file.

Standard 066	Laundrying	Compliant: Yes
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Each inmate shall be provided:

- a) Appropriate clean clothing, towels, and bedding. The bedding must include:
 - 1. Mattress, pillow and pillow case, if mattress does not have a built in pillow, two sheets or a DOCR approved alternative, including bed sleeves, at least one blanket to provide comfort to sustain summer and winter comfort zones. All mattresses must be in compliance with national regulatory authority standards.**
- b) The opportunity to exchange or launder sheets and pillowcases at least weekly, or more frequently if directed by the administrator.*
- c) Clothing, pillows, and bedding must be laundered prior to issuance to a newly admitted inmate.*
- d) Inmates shall be allowed to exchange or launder clothing. Clothing, including undergarments and towels, must be exchanged or laundered not less than twice weekly.*

Observations: MCCC complies with the standard.

Standard 067	Removal of Clothing/Linen	Compliant: Yes
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A facility may remove inmate clothing or bedding from an inmate's cell when it determines it is necessary for safety, security, sanitation, or orderly operation of the facility. The facility shall have written procedures in place for the removal and return of inmate clothing and bedding from an inmate's cell. The facility staff shall document the date, time, items, and reason for removal, along with the date, time, and items returned to the inmate.

Observations: MCCC complies with the standard.

Standard 068	Hygiene Products	Compliant: Yes
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Inmates detained for more than twenty-four hours must be provided personal hygiene items including:

- a) Soap suitable for the entire body;*
- b) Toothbrush and toothpaste;*
- c) Toilet paper;*
- d) Feminine hygiene products, and; and*
- e) Access to a shower at designated intervals to be determined by the administrator, but not less than three times per week.*

Observations: MCCC complies with the standard.

Standard 069	Grooming	Compliant: Yes
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Every facility shall establish a policy and procedure for grooming, including hair length and style and facial hair length and style. The facility's policies shall allow an inmate to request an exception to the facility's hair and facial hair restrictions, if any, based on the inmate's sincerely held religious beliefs. The facility may determine a schedule for barbering and hair care services.

Observations: MCCC policy 7.03 and procedures demonstrate compliance.

Standard 070	Biohazard Material	Compliant: Yes
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Every facility must have written policy, procedures, and practices for the proper handling and disposal of biohazard materials.

Observations: MCCC policy 5.01 and procedures demonstrate compliance.

Standard 071	Menu-Dietician Review	Compliant: Yes
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Grade one and two facilities shall have a licensed, registered dietician review and approve food menus annually. The approved menus shall be made available in locations accessible to all inmates in the facility. This rule applies to in-house and contracted food services.

Observations: Menus are posted. A registered dietician conducted an annual review and signed menus.

Standard 072	Special Diets	Compliant: Yes
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Every facility must have a written policy and procedure that includes:

- a) Special diets approved by the appropriate medical or dental personnel;*
- b) Special diets for inmates whose religious beliefs require adherence to religious dietary laws; and*
- c) Prohibitions of the use of food as a disciplinary measure.*

Observations: MCCC policy 7.01 and procedures demonstrate compliance.

Standard 073	Food Service	Compliant: Yes
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Every facility shall provide inmates at least three meals, of which two are hot meals, at regular meal times during each twenty-four-hour period, with no more than fourteen hours between the evening meal and breakfast. The facility staff shall document substitutions in the meals actually served, and substitutions must be of equal nutritional value. Every facility shall maintain accurate records of all meals served. Variations may be allowed during emergencies, for inmates on work release, and for weekends and holidays, provided nutritional requirements are met.

Observations: MCCC meets the requirements of the standard

Standard 074	Alternate Food Service	Compliant: Yes
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Every facility must have written policies and procedures that an alternate food service may be provided to an inmate who uses food or food service equipment in a manner that is hazardous to the inmate or other persons. Alternative food service must be on an individual basis, it must be based on health or safety considerations, it must meet basic nutritional requirements, and there must be documented approval by the jail administrator and responsible health authority. The alternate food service must be reviewed and approved every seven days by the facility administrator or designee and responsible health authority.

Observations: MCCC policy 7.01 and procedures demonstrate compliance.

Standard 075	Food Service Inspections	Compliant: Yes
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Foodservice facilities, equipment, and employees must meet all applicable health, safety, and sanitation laws and regulations. The health authority having jurisdiction shall conduct an inspection of the food service area of each grade one, two, and three facility at least once a year. Each facility must maintain records of all inspections and all actions taken as a result of these inspections.

Observations: MCCC procedures demonstrate compliance.

Standard 076	Food Service Inspections	Compliant: Yes
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When meals are prepared in the facility, the facility shall have a written policy, procedure and practice requiring weekly health, safety and sanitation inspections by the administrator or designee and food service manager. Records of the inspections and any corrective actions shall be maintained in the facility.

Observations: MCCC procedures demonstrate compliance.

Standard 077	Inmate Telephone Usage	Compliant: Yes
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A facility may allow an inmate to make telephone calls to persons other than the inmate's attorney within limitations set by the facility. The facility shall notify inmates at intake and shall post a notice in a location accessible to all inmates that phone calls, except to attorneys, are subject to monitoring and recording.

Observations: MCCC addresses the requirements of the standard.

Standard 078	Visitation Restrictions	Compliant: Yes
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Every facility must have a written policy and procedure for inmate visitation. The facility may deny visitation or place restrictions on visitors when the facility has justification to believe the visitor presents a threat to correctional facility safety, security, order, or inmate rehabilitation. The facility shall document the justification for restricting or denying visitation.

Observations: MCCC policy 3.14 and procedures demonstrate compliance.

Standard 079	Visitation	Compliant: Yes
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Every facility shall establish reasonable times for visitation. The visiting schedule must be made available in a location accessible to all inmates.

Observations: MCCC meets the requirements of the standard.

Standard 080	Visitor Searches	Compliant: Yes
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Every facility shall have a policy, procedure and demonstrated practice governing visitation and property, including: searches of visitors, contractors, volunteers, legal counsel, and clergy. These rules must be made available to the inmates and publicly posted.

Observations: MCCC policy 3.14 and procedures demonstrate compliance.

Standard 081	Inmate Mail	Compliant: Yes
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Every facility must have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes:

- a) Mail depository or mail collection process;*
- b) Procedures for screening all incoming and outgoing mail;*

- c) Documenting and recording incoming and outgoing legal and official mail; and
- d) Process for inmates to challenge mail rejections.

Observations: MCCC policy 3.11 and procedures demonstrate compliance.

Standard 082	Reading Materials-Access	Compliant: Yes
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Every facility must have a written policy and procedure to provide for inmate access to reading materials, magazines, newspapers, and periodicals.

Observations: MCCC policy 3.10 and procedures demonstrate compliance.

Standard 083	Mail Rejections	Compliant: Yes
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Every facility must have a written policy and procedure governing incoming and outgoing mail, including electronic mail, and legal or official mail. In each case when it is necessary to reject or remove any item of incoming or outgoing mail, a written record must be made that includes:

- a) The inmate name and number;
- b) A description of the mail in question;
- c) A description of the action taken and the reason for such action;
- d) The disposition of the item(s) involved;
- e) Signature of the acting officer;
- f) Written notification to the inmate and sender;
- g) A due process procedure must be provided to the inmate allowing them to challenge the facility's rejection of mail;
- h) The item shall not be destroyed or sent out until the process has been completed; and

Packages mailed to an inmate must be handled the same way as mail or publications.

Observations: MCCC policy 3.11 and procedures demonstrate compliance. There were no mail rejections to review.

Standard 084	Attorney Telephones	Compliant: Yes
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An inmate must be allowed to make telephone calls to the inmate's attorney at reasonable times. These calls may not be audio monitored or recorded. The telephone number of an attorney who has called an inmate must be obtained, and the inmate must be permitted to return the call at a reasonable time.

Observations: MCCC meets the requirements of the standard.

Standard 085	Attorney Visits	Compliant: Yes
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Each inmate must be allowed visits from legal counsel. Upon an inmate's request, legal counsel may visit an inmate after admission or as soon as reasonably possible. All subsequent visits by legal counsel may be restricted to reasonable hours. Visits by legal counsel may be subject to staff or video observation, but without audio-monitoring; however, when there may be observation, a notice must be posted in visiting areas. Audio or video recording of attorney visits is prohibited.

Observations: MCCC meets the requirements of the standard.

Standard 086	Inmate Legal Material	Compliant: Yes
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Every facility must have a written policy and procedure to provide inmates who are not represented by legal counsel or by standby legal counsel, legal materials or assistance from persons trained in the law for purposes of preparing a defense in a criminal prosecution, to challenge a criminal conviction on a direct appeal, post-conviction, habeas proceedings, and to challenge conditions of confinement.

A list of persons trained in the law must be available to the inmates.

Legal materials may include:

- a) A current edition of a leading legal dictionary;*
- b) North Dakota and federal rules of civil, criminal and appellate procedure;*
- c) Rules of Court for the state of North Dakota and for the United States District Court for the district of North Dakota;*
- d) Chapters of the North Dakota century code relating to criminal procedure, substantive criminal law, and state habeas and post-conviction relief;*
- e) North Dakota cases related to criminal law and procedure;*
- f) State post-conviction forms and United States district court forms for habeas and Section 1983 proceedings; and*
- g) Statutes and Rules applicable to federal habeas corpus and federal civil rights.*

A facility may provide access to legal materials through sources approved by the administrator, including the law library of the state's attorney, materials from the law library of the district court, materials from the law library of the North Dakota Supreme Court, and may include photocopies of legal materials.

Observations: MCCC policy 3.09 and procedures demonstrate compliance. Offenders have access to legal materials on the kiosks.

Standard 087	Legal Material Sources	Compliant: Yes
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Every facility shall have a policy and procedure for inmates to obtain legal materials from sources approved by the administrator, including:

- a) State and federal court forms;*
- b) Prisoner self-help manuals and access to a basic law library (e.g., local district court library, states attorney library);*
- c) Postage and copying services; and*
- d) Access to notary services.*

Observations: MCCC policy 3.09 and procedures demonstrate compliance.

Standard 088	Recreation and Supervision	Compliant: Yes
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Grade one and grade two correctional facilities shall provide inmates the opportunity for a minimum of one hour of daily programming outside their cells unless there is documented rational for withholding programming. One hour of programming must include the opportunity for physical exercise in a recreation area.

Facilities that have recreation areas shall have policies for recreation, whether it is indoor or outdoor.

Each facility that has a secure outdoor recreational area for inmate use must have trained staff that must provide direct visual observation of all inmates in the outdoor recreational area at all times.

Observations: MCCC procedures demonstrate compliance.

Standard 089	Non-Discrimination	Compliant: Yes
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Each facility must have a written policy and procedure for the practice of religion. Inmates have the right to reasonable opportunities to exercise their religious beliefs, subject to limitations

reasonable related to correctional facility safety and security.

Inmates may not be subjected to discrimination because of race, religion, genetics, sex, sexual orientation, gender identity, origin, creed, nationality, or disability, and shall receive equal treatment under all policies and procedures of this facility.

Observations: MCCC policy 3.13 and procedures demonstrate compliance.

Standard 090	Abuse and Harassment	Compliant: Yes
<i>Every facility must have a written policy and procedure to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.</i>		

Observations: MCCC policy 4.01 and procedures demonstrate compliance.

Standard 091	Grievance Procedure	Compliant: Yes
<i>Every facility must have a written policy and procedure to allow inmates to file grievances. Staff may not retaliate against inmates who file grievances. The policy and procedure must include:</i> <ul style="list-style-type: none"><i>a) Forms on which an inmate may report a grievance;</i><i>b) The facility shall provide a written report setting forth the results of the investigation and any recommendation for the disposition of the grievance to the inmate and shall file the report in the correctional facility records;</i><i>c) Timeline for inmate reporting and staff response prescribed reasonable time limit, with special provisions for responding to emergencies; and</i><i>d) The facility shall provide at least one level of appeal which may not be reviewed by the same individual who initially reviewed the grievance. The reviewing authority shall document the findings and the disposition of the appeal. The facility shall provide a copy of the appeal report to the inmate and shall file the appeal report in the correctional facility records.</i>		

Observations: MCCC policy 4.03 and procedures demonstrate compliance.

Standard 092	Rules of Inmate Conduct	Compliant: Yes
<i>Every facility shall establish written rules of inmate conduct that specify acts prohibited in the correctional facility and the disciplinary sanctions that may be imposed for facility rules violations. The facility shall make these rules available to all inmates and establish procedures to ensure that all inmates understand the rules and sanctions that may be imposed. Facility staff shall document disciplinary action of any kind and the administrator shall review disciplinary action involving fines, fees, restitution, or the extension of time to serve to ensure compliance with clearly established law and facility policy.</i>		

Every Grade one and Grade two correctional facility must have a written policy and procedure for inmates to earn sentence reduction credit based upon performance criteria established by the facility administrator. Sentence reduction credit includes credit for time spent in custody prior to sentence when ordered by the sentencing court. An inmate may not earn more than a one-day sentence reduction credit per six days served.

Facility staff shall notify inmates in instances where an inmate is alleged to have committed a crime that the case may be referred to law enforcement officials for criminal investigation and possible prosecution in addition to facility discipline.

Observations: MCCC policy 4.04 and procedures demonstrate compliance.

Standard 093	Levels of Violations	Compliant: Yes
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Every facility shall have written policy, procedure, and practice, including at least two levels of violations, sanctions for each level, and the use of pre-hearing detention. The policy shall include procedures that reflect the following:

- a) For pre-trial and post-conviction inmates, violations involving possible sanctions of (1) fines, fees, or restitution; (2) adverse impact on release date; or (3) more than 5 days of disciplinary restrictive housing, restriction to quarters, or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four-hour notice of the charges prior to the hearing).*
- b) Additionally, for pre-trial inmates, violations involving possible sanctions of 5 or less days of disciplinary restrictive housing, restriction to quarters, or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four hour notice of the charges prior to the hearing).*

The policy may permit the inmate to waive the twenty-four hour notice in writing.

Observations: MCCC policy 4.04 and procedures demonstrate compliance.

Standard 094	Disciplinary Reports	Compliant: Yes
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Disciplinary reports must include:

- a) Specific rules violated;*
- b) A formal statement of the charge, or charges;*
- c) An explanation of the violation, including: who, what, when, where, why and how, and any immediate action taken by staff;*
- d) Disposition of any physical evidence;*
- e) Staff and inmate witnesses and statements;*
- f) Date and time the report is completed and reporting staff signature; and*
- g) If disclosure of information used in the finding of guilt may pose a risk to the safety or security of the facility, staff, or inmates, including information received from a confidential informant, the facility may withhold disclosure of the information. When this occurs, there must be a document that provides a clear rationale for that action maintained with the record. A summary of the confidential information must be given to the inmate unless the disclosure of the information could jeopardize the safety or security of the facility or person.*

Observations: Review of disciplinary reports supports standard compliance.

Standard 095	Pre-Hearing Housing	Compliant: Yes
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Inmate may be placed in restrictive housing for a violation of the facility rules prior to a disciplinary hearing. This action must be documented, and a disciplinary hearing shall follow within seven days unless authorized by the jail administrator.

Observations: MCCC policy 4.04 demonstrates compliance.

Standard 096	Hearing Requirements	Compliant: Yes
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Every facility must have a written policy and procedure that requires:

- a) The disciplinary hearings are conducted by an impartial person or panel of persons;*
- b) The inmate has the right to appear at the hearing and testify;*
- c) For major violations the inmate must be allowed to call witnesses and present documentary evidence in the inmate's defense if permitting the inmate to do so will not jeopardize security, order, or rehabilitation. Reasons for not allowing the inmate to call witnesses must be documented in the hearing record;*
- d) A written record must be made of the disciplinary hearing decision. The disciplinary*

hearing decision must include a summary of the evidence, findings of fact that establish the guilt or innocence of the inmate, and an explanation for disciplinary sanctions imposed. Any confidential informant information must be separately documented. A copy of the disciplinary hearing decision and evidence relied upon must be given to the inmate, but confidential information that could jeopardize the safety or security of the facility or person may be excluded;

- e) When sanctions involve restrictive housing, fines, fees, restitution or may affect their release date, inmates have the right to appeal decision to the administrator or an independent authority; and
- f) Any disciplinary action recommended by the hearings officer(s) may be reduced on appeal but not increased.

Observations: MCCC policy 4.04 and procedures demonstrate compliance.

Standard 097	Restrictive Housing	Compliant: Yes
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If a facility utilizes disciplinary restrictive housing or administrative restrictive housing, it must have a written policy, procedure, and practice consistent with Standard 93 and Standard 98 for use of restrictive housing and for supervision of inmates while in this status.

Observations: MCCC policy 6.30 and procedures demonstrate compliance.

Standard 098	Use of Restrictive Housing	Compliant: Yes
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Every facility shall have a written policy, procedure, and practice to authorize the use of administrative restrictive housing without notice and hearing for inmates (pre-trial or post conviction) who may need protection from other inmates, or present a serious threat to the safety or security of the facility, to themselves, or to any person. The policy must include procedures that reflect the following:

- a) *When inmates are placed in immediate restrictive housing, facility staff shall document the reasons they were placed in administrative restrictive housing.*
- b) *Placements in administrative restrictive housing must be reviewed within 72 hours by the facility administrator. The facility administrator shall document the review.*
- c) *Placements in administrative restrictive housing must be reviewed at least every seven (7) days by the facility administrator. The facility administrator shall document the reason for release or continued placement.*

Observations: MCCC policy 6.29 and procedures demonstrate compliance.

Standard 099	Restriction of Activities	Compliant: Yes
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When inmates are not provided any usually authorized item or activities, including visitation, facility staff shall make a report of the action and provide the report to the facility administrator.

Observations: MCCC meets the requirements of the standard.

Standard 100	Showering and Shaving	Compliant: Yes
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Inmates in restrictive housing must have the opportunity to shower at least three times per week. Shaving may be allowed according to the facility schedule.

Observations MCCC meets the requirements of the standard.

Standard 101	Restriction-Telephone Calls	Compliant: Yes
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Inmates in restrictive housing may be allowed telephone calls related specifically to access to the courts and family emergencies as determined by the facility administrator.

Observations: MCCC meets the requirements of the standard.

Standard 102	Restrictive Housing Review	Compliant: Yes
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Inmates in restrictive housing after seven continuous days are afforded at least one hour outside their cell, five days per week, unless the facility administrator can document with clear rational for denial.

Observations: MCCC procedures demonstrates compliance.

Standard 103	Staff Orientation/Training	Compliant: Yes
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Every facility must have a written policy and procedures requiring all correctional officers participate in a documented orientation training program prior to independent assignment. The orientation program must meet the particular needs of the correctional facility and must include at a minimum:

- a) Facility policy and procedures;*
- b) All emergency procedures to include basic first aid, CPR, and Naloxone administration;*
- c) Classification of prisoners;*
- d) Booking procedures, including medical and mental health screening;*
- e) Use of force;*
- f) Suicide behavior, response, intervention, and observation;*
- g) Victim notification in accordance with state law; and*
- h) Prison Rape Elimination Act (PREA).*

Grade one facilities may provide the training required in section b at any time within the first year of employment and may work independently prior to its completion, provided the facility has sufficient employees on shift to comply with Standards 50 and 57.

Observations: The correctional facility inspectors found that MCCC policy complies with the standard. Upon completing staff interviews, correctional facility inspectors find the MCCC completes required training, however training records lacked organization and need clarification. During the interim report writing and corrective action period, MCCC took appropriate steps to organize training records to support the training achievements of the facility. MCCC policy 1.06 and revised procedures demonstrate compliance.

Standard 104	Staff Training	Compliant: Yes
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All administrators and staff who work in direct and continuing contact with inmates shall within their first year of employment receive training determined and approved by the North Dakota Peace Officer Standards and Training (P.O.S.T.) Board and shall receive an additional forty-eight hours of training during every three year period following the first day of January after the date of employment. The training must include the following:

- a) Recertification for CPR and Naloxone every two years;*
- b) Recertification for Certified Medication Technician (CMT 2) every four years; and*
- c) Annual suicide prevention training for staff with responsibility for inmate supervision.*

Observations: The correctional facility inspectors found that MCCC policy complies with the standard. Upon completing staff interviews, correctional facility inspectors find the MCCC completes required training, however training records lacked organization and need clarification. During the interim report writing and corrective action period, MCCC took appropriate steps to organize training records to support the training achievements of the facility. MCCC policy 1.06 and revised procedures demonstrate compliance.

Standard 105	Staff Certification	Compliant: Yes
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The North Dakota Peace Officer Standards and Training (P.O.S.T.) Board shall determine the North Dakota Correctional Officer Training necessary to achieve North Dakota certification.

- a)
- b) *Correctional staff that has completed correctional officer training outside the State of North Dakota may submit the training record to the P.O.S.T. Board for review and shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.*
- c) *Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for one year, but less than three years, shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.*
- d) *Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for three years or more shall complete North Dakota Correctional Officer Training.*

Observations: MCCC meets the requirements of the standard.

Standard 106	Security Equipment	Compliant: Yes
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Every facility shall have a written policy, procedure, and practice covering the use, issuing, storage, training, inventory, and maintenance of security equipment, weapons, and firearms.

Observations: During the interim report writing and corrective action period, this office was informed that new procedures and training were implemented to ensure all security equipment is placed on inventory. MCCC policy 6.16 and revised procedures demonstrates compliance.

Standard 107	Grade Four Requirements	Compliant: N/A
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Grade four facilities:

- a) *Must be staffed by a licensed peace officer or a trained correctional officer;*
- b) *May not detain an inmate for more than eight hours or overnight;*
- c) *Shall provide meals to inmates detained more than four hours;*
- d) *Facility staff shall personally observe each inmate at least every thirty minutes on an irregular basis and shall document when they observed each inmate and what they observed;*
- e) *May not detain an inmate under the age of eighteen; and*
- f) *Must complete a yearly fire inspection per Standard 63 of the North Dakota Correctional Facility Standards.*

Current grade four facilities are not subject to requirements of 28 Code of Federal Regulations Part 115 (PREA).

Observations: MCCC is grade one (1) correctional facility.

Standard 108	Inmate Population	Compliant: Yes
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Pursuant to N.D.C.C. §12-44.1-07.1, every Grade one and Grade two correctional facility, in cooperation with law enforcement, state's attorneys, and the judiciary in which the correctional facility is located, shall develop an inmate population plan to prioritize inmate admissions and inmate retention, including alternatives to physical custody for individuals under charge or conviction of an offense. This standard does not apply when there are exigent circumstances that may affect the correctional facility's operations and inmate population, including acts of God and mass arrests.

Observations: At the time of inspection, MCCC has an inmate management plan.

END OF REPORT

Joseph
Joyce

Digitally signed by
Joseph Joyce
Date: 2020.04.06
14:04:55 -05'00'

Joseph Joyce
Warden of Transitional Facilities
Office of Facility Inspections
Department of Corrections & Rehabilitation
Central Office
3100 Railroad Ave.
Bismarck, ND 58501
701-328-6789
jjjoyce@nd.gov

